

New York State Department of Environmental Conservation
Division of Materials Management
Bureau of Pest Management, 9th Floor
625 Broadway, Albany, New York 12233-7254
Phone: (518) 402-8727 • Fax: (518) 402-9024
Website: www.dec.ny.gov



November 15, 2011

Adrian J. Enache, Ph.D.
Leader, Pesticides Team
Division of Enforcement & Compliance Assistance
United States Environmental Protection Agency
Region II
Building 5 (MS-500)
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679

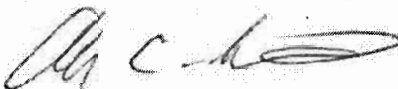
Dear Dr. Enache:

I want to bring to your attention the enclosed complaint that was sent to us by Mr. Matt Vickers of Bonide Products, Inc. The complaint is in regard to Liquid Fence Deer & Rabbit Repellent. The Liquid Fence Company, Inc. has a mailing address of 1365 Industrial Park Drive, Mt. Pocono, PA 18344.

The complaint is that the Deer & Rabbit Repellent complies with most of the requirements for a 25(b) product, but states that the product is "For use on edible crops." It appears that some of the active ingredients in the product do not have a tolerance or an exemption from a tolerance. Please provide clarification on whether this product is able to be sold as a Minimum Risk Pesticide for use on crops.

If any questions should arise or if you need additional information, please contact me or William Leslie, of my staff, at 518-402-8727.

Sincerely,



Anthony C. Lamanno
Chief
Pesticide Compliance and Lab Services Section

Enclosure



Liquid Fence Deer & Rabbit Repellent
William Leslie to: Adrian Enache
Cc: "Anthony Lamanno"

11/17/2011 08:45 AM

7 attachments



Cover Letter.pdfEPA Linda Hollis - Putrescent Whole Egg Correspondence (2).pdf



Label LF Deer Rabbit Repellent Granular.pdf LF 2010 LF Catalog.pdf Liquid Fence - Help Fight Cancer.pdf



Liquid Fence (Liq) Bottle Photo.pdfLiquid Fence LETTER FOR FOOD CROPS.pdf

Adrian,
I am sending for your attention a referral. It is being sent electronically so that the quality of the digital photographs can be maintained.

Bill Leslie
Pesticide Control Specialist 1
NYS Department of Environmental Conservation

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
complaint.pdf
which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Mateer, Chad

From: Hollis.Linda@epamail.epa.gov
Sent: Monday, December 10, 2007 2:56 PM
To: Mateer, Chad
Cc: Benmhend.Driss@epamail.epa.gov
Subject: Deer Off Deer Repellent Spray 67356-2

Dear Mr. Mateer: It has come to my attention that the Biopesticides and Pollution Prevention Division has made an error in processing your request for a notification dated September 7, 2007. Review of the product label states that this product can be used "on edible food crops". While this language was inherent to this label, it is incorrect. I am unable to ascertain at this point when the statement was allowed. We do have other Woodstream products 67356-5 and 6 where this language is not allowed, rather, the label states that the product shall not be used on food crops intended for human consumption. This huge oversight on our part was made obvious to me through an inquiry from the states. Currently, you are marketing products(s) that are not in compliance with FIFRA. Your product contains Putrescent Whole Egg Solids as an active ingredient. Currently, no tolerance and/or exemption is established which supports use of this active ingredient on all food commodities. As such, we must rectify this error immediately with revision to the labels to reflect that the product(s) are not for use on edible crops. I will afford you the time to respond immediately, however, I am prepared to conduct an Agency initiated label amendment to correct this problem.

My apologies for this oversight.

Linda A. Hollis
Chief, Biochemical Pesticides Branch
Biopesticides and Pollution Prevention Division Office of Pesticide Programs (7511P) U.S.
Environmental Protection Agency One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202
hollis.linda@epa.gov
(703) 308-8733 (phone)
(703) 308-7026 (fax)
Visit <http://www.epa.gov/pesticides>

Award-winning,
All-natural
Animal and Insect Repellents

Equine Products

Speedy Grow® Plant Booster

CowPots™

Delta® Sprayers

FreezePruf™

Mid 2010 Product Guide



LIQUID FENCE®

The Liquid Fence Company, Inc.

| | |
|------------------------------|----|
| Deer & Rabbit Repellent | 2 |
| Quarter Pallets | 3 |
| Little Big Tank & Combos | 3 |
| Dual Action Rabbit Repellent | 4 |
| Goose Repellent | 5 |
| Mole Repellent Worms | 6 |
| Mole Repellent | 6 |
| Snake Repellent | 7 |
| Dog & Cat Repellent | 8 |
| Liquid Net for Pets | 9 |
| Liquid Net Insect Repellent | 10 |
| Yard Net | 11 |
| Liquid Net for Horses | 12 |
| Cribbing Eliminator | 13 |
| Speedy Grow | 14 |
| CowPots | 15 |
| FreezePruf | 16 |
| Armadillo Repellent | 17 |
| Delta Sprayers | 18 |
| Free Point-of-Purchase Items | 19 |

Deer & Rabbit Repellent

Now for use on edible crops, too!

Long lasting and rain resistant

Year-round, eco-safe protection

Orbital sprayer works upside-down!

Dries odorless

100% Money-back guarantee!



00112

America's number-one selling deer and rabbit repellent! Unlike many other repellents that work as taste deterrents, requiring the deer and rabbits to browse to be effective, Liquid Fence® Deer & Rabbit Repellent works on scent, so the animals don't even have to take a bite to be repelled.

Member tested and recommended by the National Home Gardening Club and the American Rose Society! Two of America's most revered garden associations have tested and awarded Liquid Fence Deer & Rabbit Repellent with their prestigious endorsements.

The truth about product rotation... There's a common misconception that it's necessary to rotate deer and rabbit repellent brands to ensure continued repellency. Although true with some repellents, this is absolutely not true with Liquid Fence Deer & Rabbit Repellent. Because deer and rabbits have a natural aversion to the scent of Liquid Fence – a triggered fear instinct – the effectiveness will never diminish. It's the only deer and rabbit repellent you'll need!



Active Ingredients: Putrescent Egg Solids, Garlic,
Sodium Lauryl Sulfate, Potassium Sorbate
Other Ingredients: Water, Xanthan Gum

| Item # | Size | Approximate Coverage | Case Pack |
|--------|------------------------------|----------------------|-----------|
| 00109 | Gallon RTU | 2,000 square feet | 4 |
| 00111 | Gallon Concentrate | 32,000 square feet | 4 |
| 00112 | Quart RTU | 500 square feet | 12 |
| 00113 | 40 Ounce Concentrate | 10,000 square feet | 12 |
| 00123 | 2.5 Gallon Concentrate | 80,000 square feet | 2 |
| 00310 | Just Pump & Spray Combo Pack | 1,500 square feet | 6 |



00109



00111



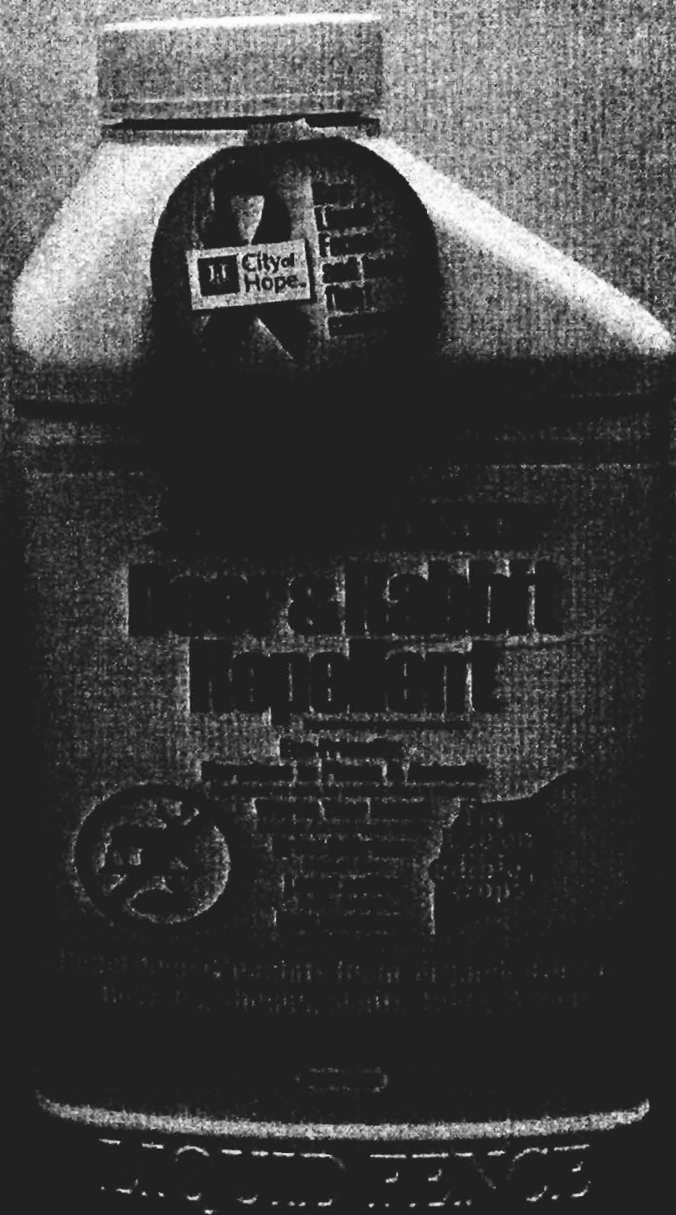
00113



00123



00310



AMERICA'S GREATEST OUTDOOR
 LLOYD LYNNE
 Deer & Rabbit Repellent



Deer & Rabbit Repellent
 Works Year Round
 Is Odorless
 Does Not Kill
 Is Not Harmful to Man or Dog

Repellent for all deer
 and all garden areas. It keeps
 them off your plants & flowers.

100% Guaranteed. 12.50 per gallon. 100% Satisfaction.



LIQUID FENCE DEER AND RABBIT REPELLENT has been formulated and manufactured to be both safe and legal for application to all raw agricultural commodities prior to and subsequent to the harvesting of such edible crops. All customers of this market leading, environmentally green Liquid Fence product can rest assured that it is safe for use in their home gardens for both fruits and vegetables.

Proven fully effective, this Liquid Fence product since its introduction decades ago has always met the U.S.E.P.A. federal FIFRA Pesticide standards for sale in all fifty US states. As a FIFRA Rule 25(b) Minimum Risk pesticide, our Deer and Rabbit Repellent is exempt from all U.S.E.P.A. FIFRA registration requirements. The vast majority of states similarly exempt our Deer and Rabbit Repellent from their own pesticide registration programs, as it is deemed a safe, environmentally green product.

Additionally, the U.S.E.P.A. FIFRA pesticide standards for an exemption from a food use tolerance have been satisfied by our formulation for Deer and Rabbit Repellent, pursuant to the most recently updated Agency pesticide tolerance regulations. It is for this reason that last year, Liquid Fence Deer and Rabbit Repellent was relabeled for application to all raw agricultural commodities grown in the United States.

Edward P. Abraham

President/CEO of Liquid Fence Company